



DEPARTMENT OF STATE INSTRUCTION

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NO.: CA-3662 October 28, 1959

COPY NO. 1 R

SUBJECT: Berlin Contingency Planning - Air Access - "Task One"

TO: American Embassy, Bonn

RPTD INFO: U.S. Mission, Berlin
American Embassy, ParisNWD 90113
HR-m/SG 8/19/91

PARIS FOR THURSTON, FINN AND USCINGEUR

British Embassy informs us British like substance and lay-out of working paper enclosed Department's CA-2391 but that they believe some changes should be made. Most important of these changes concern action to be taken if East German regime attempts exploit communication of flight safety information to force Three Powers into negotiations or undesirable contact with GDR agencies (paragraph 13).

Text of working paper as amended by British, together with explanatory comments, enclosed.

French have still made no comment.

We expect have further discussion of task one on basis our working paper CA-2391, Bonn's G-132, Berlin's G-73, Department's G-98 to Bonn, enclosed British comments with officers of British and French Embassies here sometime after November 7. Addressees' comments on enclosure welcomed, and no objection to further tripartite discussion of "task one" at Bonn in meantime.

Enclosure: ✓ ed s

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Berlin Contingency Planning -
"U.K. Amendments to the Working
Paper on Air Access."

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BERLIN CONTINGENCY PLANNING

UNITED KINGDOM AMENDMENTS TO THE WORKING PAPER ON AIR ACCESS

(TASK 1)

- (1) Paragraphs 1 and 3 should be amended to provide for the addition to the statements to be made of a description of the procedures, wave-lengths and channels by which flight information will be passed. (The actual text of these statements will have to be worked out in Berlin or Bonn.)

- (2) Paragraph 9 to read:

9. Flight information will be broadcast by radio on a fixed wave-length in order to assure that both the Soviets and the East Germans have been put on notice regarding Allied flights. An attempt will also be made to communicate the same information by teletype over one of the existing lines between East and West Berlin or by telephone to the East German Air Traffic Control Authority at Schonefeld. The various notifications made to the Soviet authorities (i.e., those referred to in paragraphs 1 through 4 above and the note and public statement referred to in paragraphs 2 and 3 of the tripartite paper of April 4) will contain details of how this will be done. Flight information will be so worded as to avoid any connotation of recognition of the GDR or of acceptance of an East German right to participate in air traffic control in the corridors and control zone. The Allies will not entertain any claim to such a right by the GDR (see below).

- (3) Paragraph 10 to read:

10. If, in such circumstances that it is clear that the East German authorities are not claiming this right, they ask to discuss the purely technical details of communicating flight information (e.g., wave-lengths, to teletype channels) the Allies may agree to such discussions taking place, but only by way of some already established contact, e.g., those already existing between the East and West Berlin local administration or between East and West German authorities.

- (4) Paragraph 13 to read:

13. The RASC will send a similar communication if the East German authorities take any action which claims either:

- (a) that they have the right to control Allied flights; or
- (b) that notification of flight information by the Allies constitutes recognition of the GDR as a state.

(5) Delete

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- (5) Delete paragraph 14.
- (6) Paragraph 16 to include a reference to the note to be sent to the Soviet Government as well as to the public statement, and to provide for inclusion of wave-lengths and channels.
- (7) Something equivalent to Course III of the original Bonn paper to be included. At present the only reference to the possibility of accepting an East German controller as a Soviet agent is in paragraph 17, which relates to the negotiation with the Soviets of a satisfactory modus vivendi for Berlin. But an agency relationship might come about in some other way, e.g., the Soviet Union might expressly declare one.

* * *

EXPLANATORY COMMENTS

- (a) We can see no political difference between supplying flight information by broadcasting, by telephone or by teletype. Regardless of the means of transmission, the East German authorities cannot be prevented from replying to Allied flight notifications if they decide to do so. They can choose for this purpose any channel we have deliberately avoided. All channels therefore have the same effect politically. This point was made in conclusion B of paragraph 2 of the tripartite comments of August 11 on the State Department's paper BERGON-TRI D-3 of July 9, 1959. We do not believe that the distinction drawn in paragraph 13 between communication by teletype or telephone and broadcasting by radio is a valid one.
- (b) While we agree that the East Germans must not be allowed either to claim control over Allied flights or to achieve recognition of the authority of the East German regime through the notification of flight information, we do not think that this paper can deal with the circumstances in which notification of flight information should stop. It would be a matter for judgment at the time whether continued communication of flight plans would compromise the Western position.
- (c) We would not rule out the possibility of strictly technical discussions about the channel of communication to be used, provided always it was clear that the East Germans were not being allowed to claim control or to achieve recognition. Our draft includes the possibility of such discussions taking place through some already established contact.

(d) We

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- (d) We have omitted paragraph 13(c), because measures to assure the continuation of the Berlin air services may have to be taken at any time after the procedure in BASC is altered, i.e., at any time when the civil airlines decide they have insufficient assurance of safety.
- (e) We have also omitted paragraph 13(d), as we doubt whether, once we reach the point of having to cease communication of flight information, it would be profitable to consider reserving certain altitudes and corridors for non-Allied flights. It is hardly likely that at such a stage of events any understanding could be reached, or would be observed, that the remaining altitudes would in return be reserved exclusively for Allied aircraft.

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